

Uranium Watch

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Moab, Utah 84532
435-260-8384

September 8, 2015

RE: Request for Waive of Fees for FOIA Request

Dear Sir or Madam:

Below is Uranium Watch's Request for a Waiver of Fees regarding a Freedom of Information Act Request submitted to the Environmental Protection Agency (EPA) on September 6, 2015. Uranium Watch (UW) is a public interest 501c(3) not-for-profit organization that provides information to the public regarding the operation of uranium mines and mills in Utah, Colorado, New Mexico, and Arizona. UW has addressed the pertinent factors below.

Factor 1. The subject of the request: *Whether the subject of the requested records concerns "the operations or activities of the government." The subject of the requested records must concern identifiable operations or activities of the federal government, with a connection that is direct and clear, not remote.*

Response: The records directly concern the operations of the federal government. The subject of the requested records concern the regulation of radon emissions from underground uranium mines by the EPA Region 8, under the authority of 40 C.F.R. Part 61, Subpart B.

Factor 2. The informative value of the information to be disclosed: *Whether the disclosure is "likely to contribute" to an understanding of government operations or activities. The disclosable portions of the requested records must be meaningfully informative about government operations or activities in order to be "likely to contribute" to an increased public understanding of those operations or activities. The disclosure of information that already is in the public domain, in either a duplicative or a substantially identical form, would not be as likely to contribute to such understanding when nothing new would be added to the public's understanding.*

Response: The records provide information regarding a uranium mine operator's compliance with EPA regulations applicable to uranium mine radon emissions, possible mine operator applications to the EPA regarding radon vents, and possible EPA responses.

The records will provide information that will increase the public understanding of EPA administration and enforcement of 40 C.F.R. Part 61 requirements with respect the Sunday Mines Complex.

Factor 3. The contribution to an understanding of the subject by the public is likely to result from disclosure: *Whether disclosure of the requested information will contribute to "public understanding." The disclosure must contribute to the understanding of a reasonably broad audience of persons interested in the subject, as opposed to the individual understanding of the requester. A requester's expertise in the subject area and ability and intention to effectively convey information to the public will be considered. It will be presumed that a representative of the news media will satisfy this consideration.*

The response will provide information on the radon emissions from the Sunday Mine Complex in 2008, the last year the mine operated, any violations of the Subpart B standard, the type of monitoring program, and other information regarding the EPA's regulation of radon emissions from the Mines. Response will provide information on any applications for operation of radon vents and construction of new vents, EPA responses to those applications, and related correspondence. UW has a website and will make the requested documents available on that website.

Factor 4. The significance of the contribution to public understanding: *Whether the disclosure is likely to contribute "significantly" to public understanding of government operations or activities. The public's understanding of the subject in question, as compared to the level of public understanding existing prior to the disclosure, must be enhanced significantly by the disclosure. The FOI Office will not make value judgments about whether information that would contribute significantly to public understanding of the operations or activities of the government is "important" enough to be made public.*

Response: It is not possible for the public to understand the results of Sunday Mince radon monitoring to demonstrate compliance with the Clean Air Act for hazardous air pollutants in 2008 without accessing the Annual Compliance Report that the mine operator is required to submit to the EPA. It is not possible for the public to know of any applications and understand the nature of the applications for radon vents and the EPA responses to those applications, unless those documents have been made publicly available. The requested records will also inform the public regarding the readiness of the mine owner to reopen the mine and any issues that should be addressed when providing public comments on mine modification proposals and federal environmental analyses. The Dept. of Interior, Bureau of Land Management, will be providing documents for public comment with respect the Sunday Mine Complex in the near future.

Factor 5. The existence and magnitude of a commercial interest: *Whether the requester has a commercial interest that would be furthered by the requested disclosure. The FOI Office will consider any commercial interest of the requester or of any person on whose behalf the requester may be acting, that would be furthered by the requested disclosure.*

Requesters will be given an opportunity in the administrative process to provide explanatory information regarding this consideration.

Response: Requestor is a public interest nonprofit and has no commercial or other financial interest that would be furthered by the request for the records.

Factor 6. The primary interest in disclosure: *Whether any identified commercial interest of the requester is sufficiently large, in comparison with the public interest in disclosure that disclosure is "primarily in the commercial interest of the requester." A fee waiver or reduction is justified where the public interest standard is satisfied and that public interest is greater in magnitude than that of any identified commercial interest in disclosure. FOI Offices ordinarily will presume that when a news media requester has satisfied the public interest standard, the public interest will be the interest primarily served by disclosure to that requester. Disclosure to data brokers or others who merely compile and market government information for direct economic return will not be presumed to primarily serve the public interest.*

Requestor has no commercial interest in the release of the requested records.

Sincerely,

/s/

Sarah Fields
Director
sarah@uraniumwatch.org